

1 Robert M. Gilchrest (SBN 134254)  
2 rgilchrest@silverfirm.com  
3 Amy S. Russell (SBN 284131)  
4 arussell@silverfirm.com  
5 **SILVERMAN SHIN BYRNE & GILCHREST LLP**  
6 500 South Grand Avenue, Suite 1900  
7 Los Angeles, California 90071  
8 Telephone: (213) 683-5350  
9 Facsimile: (213) 627-7795

10 Attorneys for Plaintiffs and Counter-Defendants,  
11 **BIKRAM'S YOGA COLLEGE OF INDIA, L.P.**  
12 and **BIKRAM CHOUDHURY**

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 **BIKRAM'S YOGA COLLEGE OF**  
16 **INDIA, L.P., a California limited**  
17 **partnership; and BIKRAM**  
18 **CHOUDHURY, an individual,**

19 **Plaintiffs,**

20 **vs.**

21 **EVOLUTION YOGA, LLC, a New**  
22 **York limited liability company; MARK**  
23 **DROST, an individual; ZEFEA**  
24 **SAMSON, an individual; and DOES 1**  
25 **through 10, inclusive,**

26 **Defendants.**

27 **AND RELATED COUNTERCLAIM**  
28

Case No. CV11-05506-ODW(SSx)

The Honorable Otis D. Wright, II,  
Courtroom No. 11

**NOTICE OF APPEAL**

**Preliminary Injunction Appeal**

[28 U.S.C. § 1291(a)(1); Fed. R. App.  
Proc. 3 and 4(a)(1)(A)]

Complaint Filed: July 1, 2011

Trial Date: January 29, 2013

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

2 PLEASE TAKE NOTICE that plaintiffs and counter-defendants BIKRAM'S  
3 YOGA COLLEGE OF INDIA, L.P. AND BIKRAM CHOUDHARY, pursuant to  
4 Rules 3 and 4(a)(1)(A), Federal Rules of Appellate Procedure, and 28 U.S.C.  
5 § 1291(a)(1) hereby appeal to the United States Court of Appeals for the Ninth  
6 Circuit from the December 14, 2012, Order of the District Court granting  
7 defendants' Motion for Partial Summary Judgment against plaintiffs and counter-  
8 defendants on plaintiffs' First Claim for Relief for copyright infringement  
9 concerning Bikram's Yoga Sequence, said order having the practical effect of  
10 foreclosing injunctive relief sought on said claim (Complaint at 24:13-14), resulting  
11 in immediate, serious, irreparable harm and rendering any later appeal an ineffective  
12 remedy. *Oregon Natural Resources Council v. Kantor*, 99 F.3d 334, 337 (9th Cir.  
13 1996).

14 Pursuant to Local Circuit Rule 3-2, attached is a Representation Statement  
15 that identifies all parties to this action along with the names, addresses and  
16 telephone numbers of their respective counsel.

17  
18 Dated: January 10, 2013

Respectfully submitted,

19 SILVERMAN SHIN BYRNE & GILCHREST LLP

20  
21  
22 By 

Robert M. Gilchrest

Amy S. Russell

23 Attorneys for Plaintiffs and Counter-  
24 Defendants, BIKRAM'S YOGA COLLEGE  
25 OF INDIA, L.P. and BIKRAM  
26 CHOUDHURY  
27  
28

**LOCAL CIRCUIT RULE 3-2 REPRESENTATION STATEMENT**

1. Plaintiffs /Appellants are Bikram's Yoga College of India, L.P. and Bikram Choudhury.

Counsel for Plaintiffs/Appellants:

Robert M. Gilchrest  
Amy S. Russell  
SILVERMAN SHIN BYRNE & GILCHREST LLP  
500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Telephone: (213) 683-5350

2. Defendants/Appellees are Evolution Yoga, LLC, Mark Drost and Zefea Samson.

Counsel for Defendants/Appellees:

Eric R. Maier  
Louis E. Shoch  
MAIER SHOCH LLP  
1001 Hermosa Avenue, Suite 206  
Hermosa Beach, California 90254  
Telephone: (310) 994-9480